IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 1ST JANUARY 2007 / 11TH PAUSHA 1928

OP.No. 10681 of 2001(V)

PETITIONER:

BABU C.V., S/O.C.K.VARGHESE, AGED 35L YEARS,
RESIDING AT CHAKIATH HOUSE, THUDATHUMKADAVU,
VARAPUZHA, ERNAKULAM.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE SECRETARY,
LOCAL ADMINISTRATION DEPT., SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF PANCHAYAT, ERNAKULAM.

3. THE VARAPUZHA GRAMA PANCHAYAT (SPECIAL GRADE,
REP.BYT ITS SECRETARY, VARAPUZHA, ERNAKULAM.

4. THE SUPERINTENDENT OF POLICE, VIGILANCE AND ANTI
CORRUPTION BUREAU, ERNAKULAM.

R3 BY ADV. SRI.ASP.KURUP
R1, R2 & R4 BY GOVERNMENT PLEADER SRI SOJAN JAMES

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.17181/2001 IN OP.NO.10681/2001

DISMISSED

1/1/2007 Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1 PHOTOCOPY OF THE DECISION OF THE STANDING COMMITTEE DTD. 3/8/96 ISSUED BY THE 3RD RESPONDENT.

EXT.P2 PHOTOCOPY OF THE ORDER DTD. 24/98/96 ISSUED BY THE PANCHAYAT.

EXT.P3 PHOTOCOPY OF THE ATTACHMENT WARRANT ISSUED BY THE 3RD RESPONDENT PANCHAYAT TO THE PETITIONER.

EXT.P4 PHOTOCOPY OF THE RECEIPT DTD. 25/3/97 ISSUED BY THE 3RD RESPONDENT.

EXT.P5 PHOTOCOPY OF THE ORDER DTD. 22/9/98 ISSUD BY THE 3RD RESPONDENT.

EXT.P6 PHOTOCOPY OF THE REVISION PETITION DTD. 7/10/98 SUBMITTED BY THE PETITIONER.

EXT.P7 PHOTOCOPY OF THE REPRESENTATION DTD. 19/4/99 SUBMITTED BY THE PETITIONER.

EXT.P8 PHOTOCOPY OF THE COMMUNICATION DTD. 25/2/2000 ISSUED BY THE IST RESPONDENT.

EXT.P9 PHOTOCOPY OF THE ORDER DTD. 30/1/2001 PASSED BY THE OMBUDSMAN OF THE STATE.

EXT.P10 PHOTOCOPY OF THE COMPLAINT DTD. 19/3/2001 SUBMITTED BY THE PETITIONER BEFORE THE VIGILANCE.

EXT.P11 PHOTOCOPY OF THE RR DEMAND NOTICE DTD. 13/3/2001 ISSUED BY THE 3RD RESPONDENT.

**P.R.RAMAN, J.**

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**O.P.NO.10681 OF 2001**

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**Dated this the 1st day of January, 2007**

**JUDGMENT**

Petitioner, alleging inaction to enquire into the complaint Ext.P10 submitted to the Superintendent, Vigilance and Anti Corruption Bureau, has approached this Court for a direction to the 4th respondent to conduct a detailed investigation into the allegations raised in Ext.P10 complaint. According to the petitioner, Ext.P10 complaint was given based on the direction contained in Ext.P9 order issued by the Ombudsman. According to him, the house tax in respect of the building was arbitrarily fixed and a complaint was filed before the Ombudsman of the State in the matter of house tax. By Ext.P9 order it was observed by the Ombudsman that if the petitioner has a grievance that tax has been

assessed in a partisan manner and no uniform procedure has been followed for assessing house tax to the similar houses, he has to refer the matter to the Vigilance and Anti Corruption Bureau for enquiry of the matter. No direction as such was given by the Ombudsman to the Vigilance and Anti Corruption Bureau. However, since it was observed that the petitioner can move the authorities, the petitioner filed Ext.P10. But according to him, so far no action has been taken.

2. The learned Government Pleader submits based on the statement of facts furnished to him by the Deputy Superintendent of Police, VACB, that Ext.P10 complaint was received in the office of the Superintendent of Police, VACB on 23/3/2001 and the same was forwarded to the Director, VACB, Thiruvanathapuram on 9/4/2001 for further orders and the

Directorate informed that the same was forwarded to the Government for appropriate action. In such circumstances, it cannot be said that the 4th respondent has not acted upon Ext.P10. The Government may inform the petitioner as to the present stage and the outcome of the enquiry, if any, made.

Original Petition is closed.

Petitioner shall produce a copy of this judgment before the Government for information and compliance.

**P.R.RAMAN,**
**JUDGE.**

kcv.

**P.R.RAMAN, J.**

**O.P.NO.10681 OF 2001**

**JUDGMENT**

**1st January, 2007**